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**FIRST DRAFT STATEMENT OF COMMON GROUND TO
BE AGREED WITH THE COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)
APPEAL MADE UNDER SECTION 78(2)(A) OF THE ACT**

**REDEVELOPMENT OF THE FORMER WOODLANDS AND
MASTER'S HOUSE, OFF DUGARD WAY
KENNINGTON, SE11 4TH**

**JOINT FIRST DRAFT STATEMENT OF
COMMON GROUND
APPEAL REFERENCE:
APP/N5660/W/20/3248960**

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2 INTRODUCTION

2.1 This Draft Statement of Common Ground (SCG) is made in relation to the appeal lodged by Anthology Kennington Stage Limited ('the **Appellant**') against the London Borough of Lambeth ('the **Council**') for the non-determination of planning application reference 19/02696/FUL ('the **Application**'). The planning Application proposes redevelopment of the former Woodlands and Master's House, off Dugard Way, Kennington, SE11 4TH ('the **Site**').

2.2 This SCG has been prepared jointly by tp bennett (on behalf of the Appellant) and the Council and provides a description of the Site and its surroundings, sets out the policy context within which the proposed development is to be considered, and sets out the matters that are likely to be agreed and not agreed between the Council and the Appellant.

2.3 APPLICATION

2.4 On 24th July 2019 the Appellant submitted a single application for full planning permission to the Council with respect to the proposed redevelopment of Site. The Application was validated by the Council on 16th August 2019 (19/02696/FUL).

The description of development set out in the Application is as follows:

"Redevelopment of the former Woodlands and Master's House site retaining the Master's House and associated ancillary buildings; demolition of the former care home; the erection of 29 storeys building and peripheral lower development of 3/4 storeys, to provide 258 residential units, together with servicing, disabled parking, cycle parking, landscaping, new public realm, a new vehicular and pedestrian access, and associated works" ('the **Development**')

2.5 The Application was formally submitted in July 2019 following consultation with the GLA and the Council in 2018. The Council and the Appellant entered into a Planning Performance Agreement (PPA) to manage the pre application process, dated 01 March 2019.

2.6 The statutory determination period for the Application expired on 15 November 2019. An extension to the determination period was agreed on 10 February 2020. This expired on 28 February 2020.

2.7 DESCRIPTION OF THE SITE

2.8 The Site comprises 0.7 ha to the east and north of Renfrew Road and Dugard Way (which forms part of the Site). To the west is George Mathers Road and to the south is Castlebrook Close. Castlebrook Close is a cul de sac comprising two storey terraced housing, and Renfrew Road comprises three storey 1960s terraces where it sits adjacent to the Site but is mixed in character with a range of heights and building typologies. Dugard Way forms an access to the site from Renfrew Road, while pedestrian access comes via George Mathers Close.

2.9 The Site essentially comprises the remaining part of the much larger former hospital site (the rest of which has been developed piecemeal over time) and this is reflected both in the Site's internal layout and its relationship with the surrounding urban grain. The Woodlands former nursing home, and associated parking takes up the entire north of the site with the Cinema Museum to the south. At present this north part of the site primarily consists of a car parking and servicing area including a c. 1980s single/two storey buildings which comprised the former Woodlands nursing home. This sits in contrast with the Master's House (Cinema Museum), a Grade II listed building and former administrative block and chapel to Lambeth Workhouse.

2.10 The Master's House is currently occupied by the Cinema Museum and this southern portion of the Site forms part of the Renfrew Road Conservation Area (CA41), the character of which is derived, in addition to the Cinema Museum, from the collection of buildings formed by the former Fire Station, Court House and Court Tavern fronting on to Renfrew Road, and the Water Tower (also Grade II listed). The gate piers to Dugard Way and the North and South Porters' lodges and reception buildings framing the gates off Renfrew Road are locally listed.

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- 2.11 The former Woodlands Nursing Home was purpose built as a 30-bed nursing home for people over the age of 65 with mental health problems; this use ceased in 2013, due to a decline in referrals. It is currently looked after by a security firm to prevent squatting. The former Woodlands nursing home building has limited architectural quality.
- 2.12 The properties in the Castlebrook Close cul de sac adjoin the nursing home side on, with the termination point of the Cul-de-Sac facing the site. To the east the site curtilage extends respectively to the boundary with Dante Road and the Bellway development at George Mathers Close. To the west, the rear gardens of the properties in Renfrew Road back onto Dugard Way as it enters the Site.
- 2.13 The Site is accessed by vehicular traffic from Renfrew Road onto Dugard Way. To the west pedestrian only access is provided through a series of pathways including via George Mathers Road, which also provides vehicular access to the Bellway Homes development. There is no northern or north eastern access or egress to the site.
- 2.14 To the east is the listed Water Tower, which has recently been extended and converted to a single-family dwelling house.
- 2.15 The borough boundary with Southwark runs in part directly adjacent to the east of the Site, and in part through the adjacent Bellway development.
- 2.16 **DESCRIPTION OF AREA**
- 2.17 The Site has low density two/ three storey housing immediately on three sides; Dante Road is characterised by four storey student blocks along the eastern side, the Bellway Homes development is varied, but five storeys immediately adjacent to the site. Renfrew Road has a range of typologies ranging from three to six storeys; the residential blocks that front along Kennington Lane further west (further out from Elephant & Castle) are twenty two storeys located within generous landscaped settings.



The area is largely residential in character to the west and north, less so to the east and south where the Elephant and Castle Major Centre sits and where the A3204 and A3 form major arterial routes out of the Elephant and Castle, with commensurate mixed uses along them.



2.18 PLANNING HISTORY

2.19 There is limited planning history on the Application Site; however, change of use application 97/01751/FUL was permitted from a hospital to a cinema museum, with ancillary car parking. This consent had a condition limiting the use to a 'cinema museum' and for no other use, including those within the same use class.

2.20 Other planning permissions around the Site which have been granted includes:

2.20.1 08/00427/FUL dated 15 May 2008 - Old Lambeth Hospital involving the construction of 7 residential blocks ranging from 2 - 5 storeys in height to provide 112 residential units an extension of the existing water tower to provide a 4-bed house and 22 car-parking spaces with access onto George Mathers Road.

2.21 There are a number of other planning permissions which have been granted in the vicinity of the Site in neighbouring Southwark:

2.21.1 16/AP/4458 dated 10 January 2019 - Phased, mixed-use redevelopment of the existing Elephant and Castle shopping centre and London College of Communication sites comprising the demolition of all existing buildings and structures and redevelopment to comprise buildings ranging in height from single storey to 35 storeys (with a maximum building height of 124.5m AOD) above multi-level and single basements, to provide a range of uses including 979 residential units (use class C3), retail (use Class A1-A4), office (Use

Class B1), Education (use class D1), assembly and leisure (use class D2) and a new station entrance and station box for use as a London underground operational railway station; means of access, public realm and landscaping works, parking and cycle storage provision, plant and servicing areas, and a range of other associated and ancillary works and structures.

- 2.21.2 12/AP/2239 dated 23 November 2012 - Redevelopment to provide a 37 storey building (maximum building height 127m AOD) and 4 storey pavilion building (maximum building height 20.5m AOD), comprising 284 residential units, 809 sq.m flexible ground floor retail / financial and professional services / restaurant uses (Use Classes A1-A3) and 413 sq.m commercial (Use Class B1) use, basement car parking, cycle parking, vehicular access from Brook Drive, servicing and plant areas, landscaping and public realm improvements and associated works.
- 2.21.3 07/AP/0760 dated 1 April 2008 - Erection of buildings comprising 1 building of up to 44 storeys (145.5 metres AOD) and a terrace of up to 7 storeys in height to provide 470 residential flats (Class C3), theatre (Class D2) and cafe (Class A3) uses and a pavilion building for retail/marketing suite purposes (Class A1/ Sui Generis) with associated public open space, landscaping, underground car parking for 30 cars and servicing space. This relates to the site of the former London Park Hotel, 80 Newington Butts, London, SE1 4QU.
- 2.21.4 Application 16/AP/3144 - Newington Causeway Redevelopment of the site for a mixed use development comprising a basement/mezzanine basement, ground plus twenty-three floors to accommodate a 140 room hotel (levels 1-11), 48 residential units (levels 12-24), a retail unit (at ground floor), associated cycle parking, servicing and refuse and recycling, landscaping and private and communal residential amenity space (including at roof top level), external refurbishment to the front of the railway arches, and a new pedestrian route through the site linking Newington Causeway with Tiverton Street.

2.22 PLANNING POLICY CONTEXT

Introduction

- 2.23 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise in accordance with Section 38(6) of the Planning & Compulsory Purchase Act 2004.
- 2.24 The statutory development plan comprises the London Borough of Lambeth Local Plan (2015), Lambeth Council Proposals Map and the London Plan (2016). The Lambeth Local Plan is currently under review, and the Draft Revised Local Plan was put out to consultation in late 2018, with a proposed adoption date of Quarter two, 2021 and is now the Draft Revised Lambeth Local Plan Proposed Submission (DRLLP) (2020).The DRLLP was submitted for examination on 22 May 2020.
- 2.25 The Draft New London Plan (Minor Suggested Changes) at the time of submission was undergoing its EIP. This is now at its Intended to Publish stage.

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- 2.26 It is considered that following national guidance, development plan policies, and supplementary planning guidance documents are relevant to the appeal proposals.

National Policy

- 2.27 Whilst the Council does not dispute the relevance of the NPPF (National Planning Policy Framework) as a material consideration in the determination of the appeal, there are a number of omissions which means that the Council is unable to agree to the cited excerpts in their current form.
- 2.28 Nevertheless, the Council believes on the basis of the text provided by the appellant that it would be possible to agree comprehensive common ground on the relevant sections of NPPF in time for the Inquiry case management conference if not before.

Regional Policy

The London Plan (as amended and consolidated 2016)

- 2.29 Whilst the Council does not dispute the relevance of the Adopted and Draft New London Plans which form part of the development plan together with the Mayor's Supplementary Planning Guidance documents in the determination of the appeal, there are a number of omissions which mean that the Council is unable to agree to the list of cited policies and documents in their current form.
- 2.30 Nevertheless, the Council believes on the basis of the text provided by the appellant that it would be possible to agree comprehensive common ground on the relevant policies and supplementary planning guidance in time for the Inquiry case management conference if not before.

Lambeth Local Plan

- 2.31 Local planning policies are contained within Lambeth's Local Development Framework (LDF), which comprises the Lambeth Local Plan (2015), the Local Plan Policies Map (2015) and saved policies of the Unitary Development Plan (2010) and the Core Strategy (2011).

Lambeth Local Plan (2015)

- 2.32 Whilst the Council does not dispute the relevance of the Adopted and Draft Lambeth Local Plan which form part of the development plan together with the Council's Supplementary Planning Documents in the determination of the appeal, there are a number of omissions which means that the Council is unable to agree to the list of cited policies and documents in their current form.
- 2.33 Nevertheless, the Council believes on the basis of the text provided by the appellant that it would be possible to agree comprehensive common ground on the relevant policies and supplementary planning guidance in time for the Inquiry case management conference if not before.

2.34 **LIKELY AREAS OF AGREEMENT**

- 2.35 This a Draft Joint Statement of Common Ground and the following matters are likely to be agreed between the Appellant and the Council.

Submitted Plans and Application Documents (1)

- 2.36 The parties will confirm the plans and documents that have been submitted in support of the Appeal and those to which any grant of planning permission will relate in time for the Inspector's Inquiry case management meeting.

Loss of Nursing Home (2)

- 2.37 The proposed Development would result in the loss of the nursing home; the Application is accompanied by marketing evidence to show that the use is no longer required by the Regional Health

Authority and alternative arrangements have been made. It is agreed that the evidence is sufficient and supports the loss of use on site.

Principle of Development (3)

- 2.38 The provision of new housing (Use Class C3) would be consistent with key Development Plan policies and is considered acceptable in principle in land use terms. However, both parties recognise that additional housing provision will only be acceptable where it meets the borough identified needs in terms of the range of units (including family homes) and affordability unless other material considerations dictate otherwise.

Approach to Site (4)

- 2.39 The most effective approach to delivering planning aspirations for the Site in accordance with National, Regional and Local Policy, comprises a perimeter block and a point block.

Heritage (5)

- 2.40 The Woodland Nursing Home and its surrounds make a limited contribution to the historic character of the site.

Views (6)

- 2.41 The Appellant's HTVIA has been carried out appropriately. The most sensitive local view is agreed to be that of Lambeth Palace from Westminster WHS and Victoria Tower Gardens.

Daylight, Sunlight and Overshadowing (7)

- 2.42 The Appellant's Daylight, Sunlight and Overshadowing Assessment has been carried out in accordance with good practice guidance.

Accessible Housing (9)

- 2.43 It is agreed that all proposed homes would meet the 'accessible and adaptable dwellings' standard and that 10% should meet the 'wheelchair user dwellings' standard, in accordance with policy requirements.

Housing Standards (10)

- 2.44 It is agreed that all proposed units meet or exceed the relevant minimum internal space standards, have an acceptable layout and meet the recommended minimum 2.5m floor to ceiling height.

Amenity Space (11)

- 2.45 The Development provides:
 - (a) 3250m² of amenity space (including internalized balcony space);
 - (b) 672 m² dedicated child play; and
 - (c) 1710m² multi-functional/Incidental (all ages).

2.46 **LIKELY AREAS OF DISAGREEMENT**

- (a) Scale and Massing;
- (b) Design;
- (c) Tenure Mix;
- (d) Quality of Amenity Space;
- (e) Level of acceptability of daylight, sunlight and overshadowing effects;

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(f) Weight to be accorded to 'harm' in relation to Heritage Assets and views;

(g) Weight to be accorded to housing and affordable housing as substantial planning benefits;

2.47 **PLANNING CONDITIONS**

At present no planning conditions have been agreed. It is anticipated that a full list of planning conditions will be agreed between the parties in time for the Inspector's Inquiry case management meeting.

2.48 **PLANNING OBLIGATIONS**

2.49 The Town and Country Planning Act 1990 (as amended) provides measures within section 106 that allow developers to enter into a planning obligation to provide mitigation measures connected with the proposed development ('**Section 106 Agreement**').

Para 56 of the NPPF states that:

Planning obligations should only be sought where they meet all of the following tests:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

Similar provisions are also referred to in the Community Infrastructure Levy 2010 (as amended) (Regulation 122).

2.50 Discussion has not taken place between the parties on the suggested Heads of Terms and therefore the heads as drafted are not currently agreed. The Council will work with the Appellant to secure suitable mitigation measures where the relevant policy tests have been met. It is anticipated that draft Heads of Terms will be agreed between parties in time for the Inspector's Inquiry case management meeting.

2.51 **AGREEMENT**

2.52 **Signed on behalf of Appellant**

Date

Position

Signed on behalf of Local Planning Authority

Date

Position